

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAROLD HARVEY HAWKS,

No. C 08-04605 JSW

Petitioner,

**ORDER GRANTING IN PART
MOTION TO STAY**

v.

BEN CURRY,

Respondent.

On September 22, 2010, the Court granted Harold Harvey Hawks' Petition for a Writ of Habeas Corpus. In the Order granting the Petition, the Court ordered that, within twenty-one days, the California Board of Parole Hearings must calculate a term for Hawks and set an imminent date for his release in accordance with Section 3041(a) of the California Penal Code. On September 24, 2010, Respondent filed a motion for a stay of the Order and Judgment dated September 22, 2010, pending appeal. Having considered the factors set forth in *Hilton vs. Braunskill*, 481 U.S. 770, 776 (1987), the Court finds they weigh against granting a stay of the Order and Judgment pending resolution of Respondent's appeal.

In the alternative, Respondent asked for a temporary stay of the Order and Judgment in order to seek a stay in the Ninth Circuit. Good cause appearing, the Court shall grant that request. Accordingly, the Order and Judgment dated September 22, 2010, are stayed for a

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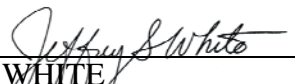
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1 period of twenty-one days in order to permit Respondent time to seek a stay in the Ninth
2 Circuit.

3 **IT IS SO ORDERED.**

4 Dated: September 30, 2010


5 JEFFREY S. WHITE
6 UNITED STATES DISTRICT JUDGE
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